



Appl. NO. 10/0/024,659  
Amdt. dated: December 30, 2003

#### REMARKS

Claims 1-8 are in the application. Claims 5-8 are withdrawn from consideration as being drawn to a non-elected invention. By the present amendment, claim 1 is amended for clarity to indicate that it is a gene product, e.g. a gene transcript or a protein that is encoded by the gene, that is toxic to the second bacterium. By the present amendment, claim 8 is added. As the amendments and new claim are fully supported by the application and add no new matter, Applicants respectfully request entry of the present Preliminary Amendment.

Respectfully submitted,

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